

FILED

Magistrate Docket No.

07 DEC 3 AM 9:50
07 MJ 2792

COMPLAINT FOR VIOLATION OF:

DEPUTY

Deported Alien Found in the United States

United States

SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

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Senior Patrol Agent

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Senior Patrol Agent

James Trombley
Senior Patrol Agent

CONTINUATION OF COMPLAINT:**Salvador ESQUIVEL-Oliva****PROBABLE CAUSE STATEMENT**

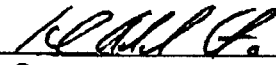
I declare under the penalty of perjury that the following statement is true and correct:

On December 1, 2007, Senior Patrol Agent M. Ponce was performing line watch duties in the Chula Vista area of responsibility. At approximately 2:30 a.m., Agent Ponce responded to a call via service radio regarding a group of seven individuals stranded in an unknown location on the Otay Mesa Mountains. Agent Ponce was advised that an individual in the group had contacted the emergency 911 services via his personal cell phone asking to be rescued from the mountains due to extreme cold weather and possible hypothermia. After several hours of searching, the Border Patrol helicopter located the group in an area known as "Windmill Canyon". "Windmill Canyon" is located approximately one mile east of the Otay Mesa, California Port of Entry and approximately one and half miles north of the United States/Mexico international boundary. This area is commonly used by undocumented aliens attempting to further their entrance into the United States.

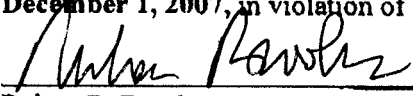
At approximately 6:45 a.m., the helicopter guided Agent Ponce to the group's location. Agent Ponce identified himself as a Border Patrol Agent and questioned them all, including an individual later identified as the defendant **Salvador ESQUIVEL-Oliva**, as to their citizenship and nationality. All the individuals including the defendant freely admitted to being citizens and nationals of Mexico illegally present in the United States. At approximately 7:00 a.m., Agent Ponce placed all individuals under arrest. Agent Ponce then contacted dispatch and requested paramedics for the defendant. Due to the rough terrain and the defendant's state of hypothermia he had to be air lifted to UCSD Medical Center by the emergency medical services. At approximately 8:00 a.m., Agent Ponce arranged for the rest of the group to be transported to the Chula Vista Station for processing. At approximately 10:45 p.m., the defendant was released from UCSD Medical Center fit for travel and incarceration. He was then transported to the Chula Vista Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on June 09, 2006 through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on December 2, 2007 at 9:30 a.m.


Ismael A. Canto
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on December 1, 2007, in violation of Title 8, United States Code, Section 1326.


Ruben B. Brooks
United States Magistrate Judge

12/2/2007 at 9:50 a.m.
Date/Time